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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,301	12/18/2001	James M. Okuley	5038-136	3344

7590 11/03/2004

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1030 S.W. Morrison Street  
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EXAMINER
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TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,301

Applicant(s)

OKULEY, JAMES M.

Examiner

Rashawn N Tillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Honda et al (US6041195).

Regarding claims 1 and 9, Honda discloses, in figures 3 and 4, an image capture device comprising:

- a camera body (B0);
- a still image button (S2) disposed in a first location on the camera body;
- a video image button (S1) in a second location on the camera body, the second location different from the first location; and
- a unified memory (17) coupled to the still image button and the video image button for storing a still image or a video image, respectively, responsive to activation of the respective button (see col. 14, lines 15-31; Honda teaches that moving and still images can be recorded on recording medium 17).

Regarding claim 12, Honda discloses the steps of storing the single still image and video in the unified memory occur concurrently without any intermediate steps (see

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col. 12, lines 12-30; Honda teaches a shooting mode for capturing still and video images, respectively, where both are in a ready state).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al in view of Acker (US5742859).

Regarding claim 2, Honda teaches a handheld camera capable of capturing still and video images. Honda does not expressly disclose a handle coupled to the main body of the camera. Acker reveals, in figure 2, that it is well known in the art to attach a handle to a video camera. Acker teaches the handle provides camera support and stabilization since camera control is incorporated into the handle (see col. 8, lines 26-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Honda's device by including Acker's teachings. One would have been motivated to do so in an effort to provide user ease of operability.

Regarding claim 3, Honda teaches the still image button and the video image button are disposed on the main body. Honda does not expressly disclose a handle. Acker discloses a video image button is disposed on a handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

Honda's device by including Acker's teachings since Acker teaches the handle provides camera support and stabilization.

Regarding claim 4, Honda teaches the still image button and the video image button are disposed on top of the main body. Honda does not expressly disclose a handle. Acker discloses a video image button is disposed on a forwardly facing portion of the handle adjacent the boundary between the main body and handle so that the video image button can be easily depressed by the index finger of a user when the handle is gripped. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Honda's device by including Acker's teachings since Acker teaches the handle provides camera support and stabilization.

Regarding claim 5, Honda teaches the still image button and the video image button are disposed on top of the main body. Honda does not expressly disclose a handle. Acker discloses, in figures 11-13, a handle coupled to the main body at a slight, forwardly facing oblique angle to said main body. . It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Honda's device by including Acker's teachings since Acker teaches the handle provides camera support and stabilization.

Regarding claim 6, Honda discloses, in figure 3, an image capture device comprising:

- a camera body including a main body (B0);
- a viewfinder (18) integrated into said main body;
- a still image button (S2) disposed in a first location on the camera body;

a video image button (S1) in a second location on the camera body; and  
a unified memory (17) coupled to the still image button and the video image button for storing a still image or a video image, respectively, responsive to activation of the respective button, wherein the still image button and the video image button are simultaneously active awaiting actuation (see col. 12, lines 12-30; Honda teaches a shooting mode for capturing still and video images, respectively, where both are in a ready state).

Honda does not expressly disclose a handle coupled at a slight forwardly oblique angle wherein at least one of said still image button and said video image button is disposed on a forwardly facing portion of said handle. Acker discloses a video image button is disposed on a forwardly facing portion of the handle adjacent the boundary between the main body and handle so that the video image button can be easily depressed by the index finger of a user when the handle is gripped. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Honda's device by including Acker's teachings since Acker teaches the handle provides camera support and stabilization.

Regarding claim 7, Honda teaches the still image button and the video image button are disposed on the main body. Honda does not expressly disclose a handle. Acker discloses a video image button is disposed on a handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Honda's device by including Acker's teachings since Acker teaches the handle provides camera support and stabilization.

Regarding claim 8, Honda teaches the still image button and the video image button are disposed on top of the main body. Honda does not expressly disclose a handle. Acker discloses a video image button is disposed on a forwardly facing portion of the handle adjacent the boundary between the main body and handle so that the video image button can be easily depressed by the index finger of a user when the handle is gripped. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Honda's device by including Acker's teachings since Acker teaches the handle provides camera support and stabilization.

Regarding claim 10, see claim 2 above.

Regarding claim 11, see claim 4 above.

### ***Conclusion***


1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayashida et al teach an adjustably mounted camera grip. Brown teaches stabilizing equipment support for cameras. Ohishi et al teach a video camera capable of capturing still images.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

  
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